

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claim 5 has been amended to better define the subject matter Applicant regards as the invention. Support for the feature added to claim 5 is provided in the specification on page 9, lines 15-17, and page 10, line 25, to page 21, line 5.

Claims 5-8 were rejected, under 35 USC §103(a), as being unpatentable over Timko (US 5,849,250) in view of Ishizu et al. (US 2002/0096225). Applicant respectfully traverses these rejections.

Ishizu has a U.S. filing date of August 30, 2001. The present application has a U.S. filing date of November 27, 2000, which is prior to Ishizu's effective date under 35 USC § 102(e) of August 30, 2001. Therefore, Ishizu does not have an effective date as a reference against the claims of the present application.

To the extent that the Office Action asserts a basis for rejecting claims 5-8, based on a product-by-process interpretation of the claims (see Office Action page 3, second paragraph), relying solely on Timko, the Applicant traverses as follows.

More specifically, the Office Action proposes that Timko discloses a product substantially similar to the claimed product, differing only in the manner by which it is produced (Office Action page 3, lines 5-6). Continuing, the Office Action states that it has been held that a skilled artisan would consider a product produced by a particular process to be obvious in view of a prior art product having the same properties but produced by a different process, due solely to the similarity in properties (page 3, lines 6-8). Additionally, the Office Action asserts that the burden falls to the applicant to show that any process steps associated with the claimed product result in a materially different product from those of the prior art, because there is nothing in the record before the examiner to reasonably conclude that applicant's product differs in kind from those obtained by the reference (page 3, lines 8-12).

As an initial matter, Applicant notes that claims 7 and 8 are method claims. As a result, the apparent alternative basis for rejecting claims 5-8 cannot apply to claims 7 and 8. Therefore, allowance of claims 7 and 8 is warranted.

Regarding apparatus claims 5 and 6 and the Office Action proposal that there is nothing in the record serving as a basis for the examiner to conclude that Applicant's apparatus differs in kind from that disclosed by Timko, Applicant respectfully

disagrees. At one point, the Office Action specifically states that it would have been advantageous to use the spinning technique taught by Ishizu in the Timko manufacturing process because "a better product is formed, that is, a double pipe structure with a good fit and absence of cracks in the tapered sections" (page 3, lines 1-4). Thus, the Office Action expressly acknowledges that Applicant's claimed apparatus differs in kind from that suggested by Timko because the Office Action states that Applicant's claimed subject matter constitutes a "better product." Furthermore, the Office Action acknowledges that the differences between Applicant's apparatus and that disclosed by Timko include a good fit of the double pipe structure and the absence of cracks in the tapered sections of the claimed device. Based on the statements made in the Office Action, Applicant submits that the record provides a substantial basis for the examiner to conclude that Applicant's apparatus differs in kind from that obtained by Timko's disclosure. Therefore, allowance of claims 5 and 6 is warranted.

Moreover, claim 5 has been amended to recite that an outer pipe is provided at both end portions with cylindrical end portions (i.e., straight pipe portions). Timko does not suggest such straight pipe portions provided at the end portions of an outer pipe, as recited in claim 5. As a result, it necessarily

follows that Timko cannot suggest closely attaching these straight portions to an inner pipe or an interposed material, as recited in claim 5.

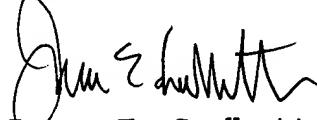
Furthermore, the claimed structure uses a spinning process on the outer pipe to integrally form the tapered and straight pipe portions simultaneously. This is accomplished by gradually reducing the diameter of the outer pipe through a plastic flow generated in the axial direction by rollers. Applicant submits that with Timko's conventional plasticity processing, using dies or the like, it would be impossible to simultaneously form the tapered and straight pipe portions integrally with each other, as defined by claim 5.

In accordance with the above discussion, Applicant submits that claim 5 defines subject matter that is not suggested by Timko. Therefore, allowance of claim 5 and its dependent claim is warranted for these independent reasons.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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